IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 2731 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE A.M.KAPADIA
HONOURABLE MS.JUSTICE H.N.DEVANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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OIL & NATURAL GAS CORPORATION LTD, MEHSANA. - Appellant(s)
Versus
CHAUDHARI MADHUBHAI KESHABHAI - Defendant(s)

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Appearance :
MR RR MARSHALL for Appellant(s) : 1,
Party in person is present

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CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA

and

HONOURABLE MS.JUSTICE H.N.DEVANI

Date : 05/10/2007

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE A.M.KAPADIA)

The appellant, Oil and Natural Gas Corporation Limited, Mehsana Project, ONGC at Palavasana, District Mehsana, seeks to challenge the judgement and decree dated 31.5.2005 rendered in Special Civil Suit No. 98 of 2000 by the learned Principal Sr. Civil Judge, Mehsana, by which the suit filed by the respondent plaintiff came to be decreed and thereby the appellant defendant Corporation was directed to pay Rs. 9,02,914/- to the respondent plaintiff with interest at the rate of 9% per annum from the date of the suit till the decretal amount realized by the respondent plaintiff together with cost.

2. This appeal came to be admitted by a Division Bench vide order dated 26.9.2005.

3. This matter was mentioned by Mr. R.R. Marshall, learned advocate for the appellant before the Division Bench on 3.10.2007 and he had requested that the matter be taken up for final hearing as the matter has been amicably settled between the parties outside the Court. Upon his request the Registry has listed the matter before this Court today.

4. Mr. R.R. Marshall, learned advocate for the appellant and Mr. Chaudhary Madhubhai Keshabhai, party-in-person, jointly state that the matter has been amicably settled between the parties and by

virtue of the settlement, the appellant has agreed to pay Rs. 1,66,400/- (Rupees one lakh sixty six thousand four hundred only) in full and final settlement of all the claims (inclusive of interest and cost) in lieu of judgement and decree directing the appellant to pay Rs. 9,02,914/- with interest at the rate of 9% per annum from the date of suit till realization together with cost. The respondent party in person states that he has agreed to accept the said amount and therefore it is jointly requested by both of them to modify the decree in terms of the compromise purshis.

5. Having considered the statement made by Mr. R.R. Marshall, learned advocate of the appellant and Mr. Chaudhary Madhubhai Keshabhai, respondent – party in person and perusal of the compromise purshis which is duly signed by Mr. R.R. Marshall, learned advocate of the appellant as well as the authorized officer of the appellant and the respondent party in person Mr. Chaudhary Madhubhai Keshabhai, the decree which is impugned in this appeal is required to be modified in terms of the settlement. As per clause (4) of the terms and conditions of the settlement, now the appellant shall deposit the agreed amount of Rs. 1,66,400/- (Rupees one lakh sixty six thousand four hundred only) by the respondent party in person in the Court of Principal Senior Civil Judge, Mehsana, within two months from today.

6. On the amount being deposited, the learned

Principal Senior Civil Judge, Mehsana, shall permit the respondent original plaintiff to withdraw the said amount.

7. The appeal is disposed of with no order as to costs in terms of compromise purshis. The compromise purshis shall be retained on the record. The Registry to modify the decree in terms of the compromise purshis.

(A.M. KAPADIA, J)

(H.N. DEVANI, J)

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